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STATE OF CALIFORNIA -- THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

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Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 4-02-176

APPLICANT: Santa Barbara County Flood Control District

AGENT: Karl Treiberg

PROJECT LOCATION: Lower Devereux Creek, within Ocean Meadows Golf Course, 6924 Whittier Drive, Santa Barbara County.

PROJECT DESCRIPTION: Implementation of Lower Devereux Creek desilting and maintenance program for a term of ten years. The project consists of desilting approximately 2,200 linear feet (approximately 1-acre) of Lower Devereux Creek removing a maximum of 3,872 cu. yds. of sediment to construct a 12-foot to 14-foot ft. open water channel ranging in elevation from 3.5 to 5 feet above mean sea level and supplemental desilting of the channel on a periodic basis (removal of no more than 1,000 cu. yds. of sediment/year) to maintain proposed channel design. The project includes construction of a permanent 9,320 sq. ft. sedimentation basin immediately upstream of the confluence of Devereux Creek and East Branch Devereux Creek and on-going maintenance (removal of no more than 2,000 cu. yds. of sediment/year), as needed to maintain the design profile of the sedimentation basin. Other elements include the replacement of 147 linear feet of 42-inch culvert in two locations and the replacement of two existing wooden bridges over Devereux Creek with new 8 ft. by 35 ft. wooden bridges to continue to be used for golf cart access. The project also includes approximately 54,253 sq. ft. (approx. 1.25 acres) of freshwater marsh enhancement requiring approximately 5,525 cu. yds. of restorative cut grading, 47,555 sq. ft. (approx. 1.1 acre) of riparian enhancement, and 31,212 sq. ft. (approx. 0.7 acre) of high salt marsh enhancement within the Lower Devereux Creek corridor. The purpose of this project is to alleviate flood hazard in the University Village Subdivision.

APPROVALS RECEIVED: County of Santa Barbara Final Development Plan and Negative Declaration (Planning Commission Approval September 4, 2002);

SUBSTANTIVE FILE DOCUMENTS: Santa Barbara County Flood Control District, Final Mitigated Negative Declaration for the Lower Devereux Creek Project (Santa Barbara County, September 2002); Final Biological Survey Report, Lower Devereux Creek, Ocean Meadows Golf Course (SAIC, May 2002); Report of Sediment Sampling and Testing, Devereux Creek (CFS Geotechnical Consultants, Inc., February 2002); Maintenance Investigation for Lower Devereux Creek (Penfield & Smith, October 2001);

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed project with eleven special conditions regarding: (1) timing of operations, (2) habitat enhancement and revegetation monitoring program, (3) implementation of the habitat enhancement plan, (4) project monitoring, (5) erosion control plans, (6) periodic channel desilting operations; (7) excess excavated material; (8) required approvals; (9) assumption of risk, waiver of liability and indemnity agreement; (10) permit expiration; and (11) Operations Agreement.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve Coastal Development Permit 4-02-176 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time.

Application for extension of the permit must be made prior to the expiration date. Other provisions affecting the permit term are set forth in **Special Condition Ten (10)**.

3. **Interpretation.** Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. **Timing of Operations**

A. All project operations, including channel desilting, sedimentation basin construction, operation of equipment, or other construction, maintenance, or other material removal shall be prohibited:

(1) In and along Devereux Creek in the project area from March 15 through August 31 to avoid impact to avian species during breeding season.

B. All project operations in Devereux Creek, including desilting and maintenance, shall be prohibited during steelhead trout spawning from December 15 through June when high winter stream flows occur, to avoid adverse effects to steelhead trout, unless by authorization of the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and/or the California Department of Fish and Game and subject to the approval of the Executive Director.

2. **Habitat Enhancement and Revegetation Monitoring Program**

A. Prior to issuance of the coastal development permit, the applicant shall submit a habitat enhancement and revegetation monitoring program, prepared by a qualified resource specialist, for review and approval by the Executive Director, for the proposed freshwater marsh, high salt marsh, and riparian habitat areas as depicted in Exhibit 4. The plan shall specify the preferable time of year, consistent with the Timing Restriction described in **Special Condition One (1)** above, to carry out the enhancement project and any potential time constraints. The monitoring program shall outline revegetation and enhancement performance standards to ensure that such efforts are successful. The performance standards shall incorporate ground and canopy coverage and survival rates typical to similar habitats in the area. The program shall be implemented to monitor the project for compliance with the specified guidelines and performance standards. The plans shall identify the

species, extent, and location of all plant materials and shall incorporate the following criteria:

- (1) All revegetation shall consist of native plant species endemic to riparian habitat and wetland areas in the watershed. Invasive, non-indigenous plant species, which tend to supplant native species shall not be used and invasive species shall be removed concurrent with periodic channel maintenance.
 - (2) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements;
 - (3) The Permittee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission - approved amendment to the coastal development permit, unless the Executive Director determines that no amendment is required.
- B. The applicant shall submit, on an annual basis for a period of five years beginning after the revegetation is completed, a written report prepared by a qualified resource specialist, evaluating the extent of the success or failure of the enhancement project. This report shall include further recommendations and requirements for additional revegetation activities in order for the project to meet the specified criteria and performance standards. These reports shall also include photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the progress of recovery at each of the sites.
- C. The monitoring report shall be submitted annually to the Executive Director by August 1 of each year as well as to other public and federal, state, and local entities that wish to obtain such information.
- D. At the end of a five year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the habitat enhancement program has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental program to compensate for those portions of the original program which were not successful. The Executive Director shall determine whether implementation of the revised or supplemental revegetation program will require an amendment to this permit.
- E. The Executive Director may waive the remainder of the term of the habitat monitoring requirement, if the applicant submits evidence, subject to the Executive Director's review and approval, which shows that the habitat enhancement and revegetation project has been successfully implemented within the five-year time period.

3. Implementation of the Habitat Enhancement Plan

The applicant shall implement and complete the habitat enhancement (e.g., restorative grading / excavation of the marsh enhancement areas) and revegetation required by **Special Condition Two (2)** immediately after the channel clearing is completed. The Executive Director may grant additional time for good cause.

4. Project Monitoring

At least two (2) weeks prior to commencement of any channel desilting event, the applicant shall retain the services of a qualified biologist or environmental resource specialist with appropriate qualifications acceptable to the Executive Director. All dredging and sediment disposal, activities shall be carried out consistent with the following:

- (a) The environmental resource specialist shall conduct a survey of the project site each day prior to commencement of any excavation, desilting or maintenance activities to determine whether any sensitive wildlife species are present. In the event that any sensitive wildlife species are present on the project site, the environmental resource specialist shall either: (1) initiate a salvage and relocation program prior to any excavation/maintenance activities to move sensitive species and significant wildlife features (such as red-legged frogs, southwestern pond turtles, Belding's savannah sparrow, western least bittern, tricolored blackbird, wandering skipper, tidewater goby, southern California steelhead, breeding bird nests, etc.) by hand to safe locations elsewhere along the project reach or (2) as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. If the presence of any such sensitive species requires review by the United States Fish and Wildlife Service and/or the California Department of Fish and Game, then no development activities shall be allowed or continue until any such authorizations are received, subject to the approval of the Executive Director.
- (b) The environmental specialist shall be present on site during all excavation, vegetation removal, and desilting and maintenance project activities in and along the creek and riparian corridor. The environmental resource specialist shall require the applicant to cease work should any breach in permit compliance occur or if any unforeseen sensitive habitat issues arise. If significant impacts or damage occur to riparian and/or wetland environment or to sensitive wildlife species on site, the applicant shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such impacts. The revised, or supplemental, restoration program shall be processed as an amendment to this coastal development permit. Any native vegetation which is inadvertently destroyed or damaged during implementation of the project shall be replaced in kind at a 3:1 or greater ratio.

5. Erosion Control Plans

- A. At least two (2) weeks prior to commencement of any channel desilting event, the applicant shall submit two (2) sets of erosion control plans, prepared by a licensed engineer, for review and approval by the Executive Director. The plans shall incorporate the following criteria:
- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
 - (2) The plan shall specify that should grading take place during the rainy season (November 1 – March 31) the applicants shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize erosion and sediment from runoff waters during construction.
 - (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins.
 - (4) Temporary erosion control measures, such as sandbag barriers, silt fencing, and/or swales, shall be implemented for all stockpiling of material. These temporary erosion control measures shall be monitored and maintained until all stockpiled fill has been removed from the project site.
- B. The applicant shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No change to the program shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

6. Periodic Channel Desilting Operation Plan

- A. As soon as practical, the applicant shall notify the Executive Director of the intent to conduct additional channel desilting project activities, and at least twelve (12) weeks prior to commencement of any channel desilting event, after the initial Fall 2002 channel desilting, the applicant shall submit a channel desilting operation plan for the review and approval of the Executive Director. The plan shall include at a minimum:

- (1) Site map showing the area(s) of Lower Devereux Creek project area to be desilted and proposed staging and stockpile site(s), consistent with the approved project plans.
- (2) Detailed description of the proposed desilting operation, including the method of dredging and disposal, volume of dredged spoils to be removed, and volume to be stockpiled at the staging site(s).
- (3) Schedule of the operation's proposed beginning and ending dates.
- (4) Project plans showing all construction staging areas and access routes, including stockpile areas and the access corridor(s) which evidence that the habitat restoration project area will not be adversely impacted as a result of the proposed operations.
- (5) Erosion control plans showing best management measures to be implemented as required pursuant to **Special Condition Five (5)**.
- (6) Results of updated biological surveys, including results of sensitive species surveys utilizing specific protocols for the sensitive species potentially occurring in the area and an updated biological assessment of the potential for significant adverse impacts to species or habitats.
- (7) Results of updated grain size and chemical analysis of sediment, and suitability analysis as described pursuant to **Special Condition Seven (7)**.
- (8) Evidence of all applicable agency approvals, or pursuit of such approvals, with final approvals submitted as required pursuant to **Special Condition Eight (8)**.

B. The applicant shall submit the channel desilting operation report to the Executive Director for review and approval. If the Executive Director determines that the project may have significant adverse impacts to coastal resources, including sensitive species or habitat, the Executive Director shall provide written notice to the applicant of such determination. The applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit or as a separate coastal development permit, at the discretion of the Executive Director.

7. Excavated Material

- A. Permanent stockpiling of material on site shall not be allowed. Sediment shall be retained at the *designated* temporary stockpile areas for dewatering, up to approximately three months, until removed to an appropriate approved disposal location either outside the coastal zone or to a site within the coastal zone permitted to receive such fill.
- B. At least two (2) weeks prior to disposal of excess excavated material, the applicant shall provide evidence to the Executive Director of the location and method of disposal to an approved disposal location either outside the coastal zone or to a site within the coastal zone permitted to receive such fill. The applicant shall submit a

determination of the suitability of the sediment for beach/surfzone disposal, including applicable confirmation by the U.S. Army Corps of Engineers that the excavated material meets the minimum criteria necessary for placement on the sandy beach or within the surf zone. Material meeting all applicable federal and state beach nourishment or dredge spoil discharge requirements shall be reserved for such use. Should the disposal site be located in the coastal zone, a coastal development permit or an amendment to this coastal development permit shall be required.

8. Required Approvals

At least two (2) weeks prior to commencement of project operations, the applicant shall provide to the Executive Director a list of all other required state or federal discretionary permits and associated expiration dates for development approved pursuant to coastal development permit 4-02-176. The applicant shall provide to the Executive Director a copy of all necessary State or Federal permits for completion of the proposed project (including the California Department of Fish and Game, California State Lands Commission, California Regional Water Quality Control Board, and the United States Army Corps of Engineers), or letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by any applicable agency. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

9. Assumption of Risk, Waiver of Liability and Indemnity Agreement

Prior to issuance of the coastal development permit, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, which states that the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslide, erosion, and slope failure; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

10. Permit Expiration

All development approved pursuant to 4-02-176 shall expire ten years from the date of Commission action. Any dredging/desilting, excavation, sediment transport, maintenance, or other project activities after the expiration of this permit will require the issuance of a new coastal development permit.

11. Operation Agreement

Prior to issuance of the coastal development permit, the applicant shall submit evidence of authorization (e.g., signed written agreement, easement, or other legal authorization), subject to the review and approval of the Executive Director, that verifies Santa Barbara County Flood Control is authorized to implement the project described in CDP 4-02-176 on the subject property, for the full term of the permit.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Background

The project site is located along approximately 2,200 feet of Lower Devereux Creek flowing within Ocean Meadows Golf Course in Santa Barbara County (Exhibit 1 and 2). The golf course is bounded on the north by University Village neighborhood, to the east by Storke Road and residential development, and to the south and west by University of California at Santa Barbara property, including Coal Oil Point Nature Reserve immediately to the south of the project site. The 70-acre privately owned Ocean Meadows Golf Course was built in the 1960s and is located on fill overlying the former upper half of the Devereux Slough and is subject to flooding during even moderate rainfall events.

The proposed project is for the implementation of Lower Devereux Creek desilting and maintenance program for a term of ten years. The project consists of desilting approximately 2,200 linear feet (approximately 1-acre) of Lower Devereux Creek removing a maximum of 3,872 cu. yds. of sediment to construct a 12-foot to 14-foot ft. open water channel ranging in elevation from 3.5 to 5 feet above mean sea level and supplemental desilting of the channel on a periodic basis (removal of no more than 1,000 cu. yds. of sediment/year) to maintain proposed channel design (Exhibit 3). The project includes construction of a permanent 9,320 sq. ft. sedimentation basin immediately upstream of the confluence of Devereux Creek and East Branch Devereux Creek and on-going maintenance (removal of no more than 2,000 cu. yds. of sediment/year), as needed to maintain the design profile of the sedimentation basin. Other elements include the replacement of 147 linear feet of 42-inch culvert in two locations and the replacement of two existing wooden bridges over Devereux Creek with new 8 ft. by 35 ft. wooden bridges to continue to be used for golf cart access. The project also includes approximately 54,253 sq. ft. (approx. 1.25 acres) of freshwater marsh enhancement requiring approximately 5,525 cu. yds. of restorative cut grading, 47,555 sq. ft. (approx. 1.1 acre) of riparian enhancement, and 31,212 sq. ft. (approx. 0.7 acre) of high salt marsh enhancement within the Lower Devereux Creek corridor.

The purpose of the proposed project is to alleviate flooding in the University Village subdivision caused by sedimentation of lower Devereux Creek (Exhibit 5). The hydrologic component of lower Devereux Creek will be restored so that water can flow

easily within the channel and areas surrounding the channel will be enhanced wetland, riparian, and aquatic habitats. The initial channel desilting would be scheduled for Fall 2002 when creek flows are at a minimum and before winter rains begin. The earthwork is estimated to take 2 to 3 weeks with revegetation to occur in November to December. The applicant has asserted that if maintenance activities within the creek are not completed prior to the impending rainy season, existing private residential development within the surrounding areas would be subject to continued flood hazard during the winter storm season.

The project is located entirely within the boundaries of Ocean Meadows Golf Course. The golf course property is situated on filled wetland (previously northern portion of Devereux Slough) and lies within the mapped jurisdictional area retained by the Coastal Commission. The property is zoned under the County of Santa Barbara's certified Local Coastal Program as Planned Residential Development, 58 units. The golf course is a non-conforming use of the site and has been in operation since the 1960s. The proposed project includes the restoration and enhancement of approximately three acres of wetland and riparian habitat along the project reach. In addition, the removal of sediment in the stream corridor will restore open water aquatic habitat along the length of the creek. In this case, the proposed project will create habitat in the creek corridor which is bordered by the golf course. No additional development is proposed adjacent to the restoration area.

The area adjacent to the existing creek corridor is routinely maintained as part of the golf course. Approximately three acres of golf course adjacent to and along the 2,200 ft. creek corridor will be restored marsh and riparian habitat. As a result, new wetland and riparian habitat are being expanded on the site into the existing golf course operation. It is anticipated that the area adjacent to the restored habitat would continue to be utilized for golf course operation, including routine golf course operation and maintenance activities such as mowing, relocation of tee boxes, and planting of turf grass. However, any proposed future development adjacent to the stream would be subject to appropriate buffer setbacks. Any residential development proposed pursuant to the adopted zoning shall be adequately setback from the creek and restoration area. In no case will the construction of physical structures be considered routine to the operation of the golf course, and any such structure would be subject to Coastal Act requirements.

Channel Desilting and Periodic Maintenance

The project site is a 2,200 ft. long segment of Devereux Creek beginning immediately upstream of Devereux Slough (Devereux Slough is part of Coal Oil Point Reserve managed by University of California Reserve System) and extending upstream through Ocean Meadows Golf Course to the East Branch of Devereux Slough (Exhibit 2). The applicant proposes to remove approximately 3,872 cu. yds. of sediment from lower Devereux Creek to excavate a 12 to 14-foot wide open water channel along the entire 2,200 ft. project area, ranging in elevation from 3.5 to 5 feet above mean sea level. The banks of the channel would be at a slope of 1:1 to the adjacent land (6 to 8 feet msl).

The excavation footprint within the channel is approximately 0.8 acre, and the sedimentation basin footprint is approximately 0.2 acre.

The existing channel is approximately 20 ft. wide and is filled with sediment and a dense growth of cattails and bulrushes in nearly monotypic stands. This portion of Devereux Creek has not been subject to previous flood control dredging or desilting projects but had been "cleared periodically since the construction of the golf course, but the last time was in the late 1980s" (Negative Declaration, August, 2002). Sediment levels in the creek are currently higher than the storm drain outlets originating from the University Village subdivision. The proposed Devereux Creek corridor would range approximately 32 ft. to 140 ft. in width including the marsh and riparian habitat enhancement areas. The typical corridor throughout the golf course, south of the sediment basin, would be greater than 100 ft. wide and a minimum of 70 feet at the southern terminus of the project area. The proposed project includes periodic desilting/dredging and maintenance of the 12 to 14-foot wide open channel. The proposed habitat enhancement areas are at a higher elevation than the maintained portion of the channel and would be subject to streamflow only during high-flow events. The habitat enhancement areas would not be excavated or otherwise impacted during periodic channel desilting activities. The subject reach of Devereux Creek is designated as an environmentally sensitive habitat area by the Santa Barbara County Local Coastal Program. In addition, the entire creek channel on site is also identified as wetlands.

Sediment will be removed from the creek using a Gradall® or excavator. The equipment will work from the top of the bank where high marsh or riparian habitats are proposed (located on plans). The equipment will load trucks (10 c.y. end dumps) directly. The trucks will haul the sediment to the stockpile area to dewater for 3 weeks to 3 months, depending on the weather, and then be hauled off-site to a suitable upland disposal site. The results of current sediment tests submitted by the applicant indicate that the grain size of the channel sediment is primarily fine material, ranging from an average content of 71 to 98% fine material (No. 200 mesh sieve). This grain size is not appropriate for beach replenishment projects in the area.

Additional dredging of the subject reach of Devereux Creek may be necessary at an undetermined future point in time in the event that the channel accumulates sediment that would again contribute to flood hazards. Future desilting activities in the subject creek channel are anticipated to be required once every ten years but possibly more frequently depending on rainfall and runoff, requiring the removal of no more than 1,000 cu. yds. of material within the project reach per desilting event. Future channel desilting activities could require up to one week (five working days) to complete. The installation of the sediment basin and its maintenance is anticipated to deter sediment accumulation along the downstream portion of the creek, except in the most extreme conditions.

Equipment will access the open water channel along the top of the bank within the riparian/high marsh buffer area. There is only a short stretch that has freshwater marsh

on both sides of the open water channel and if that short stretch needs maintenance, it could be done with a crane working from the fairway, taking less than one day. Some of the riparian/high marsh area would be damaged by equipment taking access but those habitats are very resilient and damaged plants will be replaced if necessary.

If dredging of the subject reach is necessary in subsequent years after the initial implementation, the applicant proposes to test the sediment grain size and chemical composition for consideration for beach/surfzone disposal, if the sediment appears to be sandy. Beach/surfzone disposal, if appropriate, will be pursued as part of a separate program. Native vegetation damaged by equipment accessing the creek will be replaced if necessary.

Sedimentation Basin and Periodic Maintenance

The applicant proposes to construct a 9,320 sq. ft. sediment basin immediately upstream of the confluence with the East and West Branches of Devereux Creek. The purpose of the sediment basin is to capture sediment that would otherwise be deposited along the entire length of the creek. The capacity of the basin is approximately 1,000 c.y. The bottom of the basin will be approximately 4' lower than the streambed upstream and downstream. When the sedimentation raises the bottom of the basin to the approximate elevation of the adjacent streambed, the sediment will be removed. Access to at least two sides of the basin would be necessary for periodic maintenance. Sediment removal will occur on an as-needed basis with removal of up to 2,000 cu. yds. of sediment in any given year, occurring typically once every two to three years but possibly as frequently as twice in any given year depending on rainfall and runoff. Maintenance of the sediment basin could require up to one week (five working days) for each maintenance event. Maintenance of the sedimentation basin would minimize future sediment accumulation in the creek and help preserve the aquatic habitat.

Sediment will be removed with a crane rigged with a clamshell or dragline bucket. The crane will be assembled at the stockpile area and driven along the haul road to the sediment basin. The crane will be operated from the fairway immediately adjacent to the basin and will load trucks (10 c.y. end dumps) directly. The equipment will access the sediment basin from the fairway for desilting. The crane will be located where there is no native vegetation where feasible and will move to three to four locations along the top of the basin banks to access the entire basin. The trucks will haul the sediment. The results of current sediment tests submitted by the applicant indicate that the grain size of the channel sediment is primarily fine material, ranging from an average content of 71 to 98% fine material (No. 200 mesh sieve). This grain size is not appropriate for beach replenishment projects in the area.

During future sedimentation basin maintenance, the applicant will test the excavated material for grain size and chemical composition for consideration of beach/surfzone disposal. If the sediment meets beach quality standards, beach/surfzone disposal, if

appropriate, will be pursued as part of a separate program. Basin maintenance will be completed in two to three days depending on the volume of sediment to be removed.

Annual Maintenance Activities

The Santa Barbara County Flood Control District and the Ocean Meadows Golf Course will operate and maintain the channel and sediment basin. Operations and maintenance involves the removal of recently deposited sediment from the sediment basin as well as sediment and/or vegetation removal from the creek on an as needed basis. The limits of basin/creek maintenance as well as the location of the stockpile area are identified on the plans prepared for the project and are labeled "open water", "sediment basin", and "stockpile area" (Exhibit 3).

Vegetation may colonize the creek (area labeled "open water" on the plans) which will impede flows and possibly aggravate sedimentation. Sedimentation of the creek and/or colonization of the creek with dense vegetation will require maintenance. If dense vegetation colonizes the creek to the extent that it impedes flows and aggravates sedimentation, it will be mowed using a Gradall® or excavator rigged with a mower. *No herbicides will be used to control vegetation as part of creek maintenance.* Access will be along the top of the banks within the riparian/high marsh areas. Vegetation would be damaged by equipment taking access but those habitats are very resilient and native vegetation damaged by equipment accessing the creek will be restored.

Habitat Enhancement Plan

Habitat enhancement includes aquatic, marsh, and riparian elements. Removal of accumulated sediments described above would restore an open water channel along the length of the creek with available habitat for aquatic biota and birds. Expansion of wetland marsh (predominantly freshwater) habitat (enhancement areas) along the channel would occur primarily along one or the other side of the creek to allow access as needed for any future maintenance. These would be constructed by excavating to approximately 4.5 feet msl. Wetland plant root material in the upper layer of the material excavated from the channel would be spread over the enhancement areas to "inoculate" them with marsh species. Additional wetland plant material would be planted, particularly in areas where existing wetland plants are less abundant. Planting riparian trees and shrubs with understory vines and herbs would add physical structure and plant diversity along the creek. This would enhance the habitat value for a variety of wildlife species, particularly birds that prefer riparian habitats. Marsh enhancement areas (excluding the sedimentation basin and excavation of the main channel) cover approximately 1.3 acres and riparian enhancement areas (for tree and shrub planting) cover approximately 1.4 acres in upland areas plus 0.3 acre within existing CCC wetland areas. A specific planting palette will be developed for the site with input from local stakeholders. A typical cross section of the creek prior to enhancement and following enhancement is provided in Figure 3. The native plant material would be obtained from local plant material (within the watershed) to avoid alteration of the genetic makeup of species in the project area. Enhancement areas would be monitored

for 3 to 5 years after the planting is complete to verify that the plants are establishing as planned. Remedial actions for areas with less than acceptable plant establishment would receive additional planting with locally collected native plant material.

Construction Access, Staging, and Stockpile Areas

The proposed project includes transporting all excavated material to a staging and stockpile site adjacent to the golf course's southeast border. The stockpile area identified on the plans will be used for dewatering recently removed sediment. This approximately 4-acre site, which is part of the golf course property, is vacant land comprised primarily of non-native weedy species and some turf grass. Stockpiled material will occupy a maximum of 2.5 acres at any given time. Silt fencing will be installed to contain the sediment. The sediment will remain at the stockpile site for three weeks to three months to dewater sufficiently to be hauled on public roads. In the event that the excavated material is determined to be unsuitable for beach nourishment, then the applicant proposes to make the excavated material available for minor golf course grading or haul it off site to an approved disposal site. Access to the stockpile area from Storke Road will be along the Venoco access road located immediately south of the golf course driving range. Once the spoils are removed, the area will be reseeded to prevent erosion.

Equipment access to the project area would be via Stork Road, an existing Venoco road, and cart paths and maintenance roads within the golf course. An estimated total number of 500 to 800 truck round trips would be necessary to remove approximately 7,500 cubic-yards of excavated material, assuming that a combination of 10- and 18-cubic yard capacity dump trucks would be used. The number would be reduced, depending on the amount of material kept on site.

B. Environmentally Sensitive Habitat and Marine Resources

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges- and entrainment,

controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30236 Water supply and flood control

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

Section 30240 of the Coastal Acts states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Sections 30230 and 30231 of the Coastal Act mandate that marine resources and coastal water quality shall be maintained and where feasible restored, protection shall be given to areas and species of special significance, and that uses of the marine environment shall be carried out in a manner that will sustain biological productivity of coastal waters. Section 30236 allows for alterations to streambeds when required for flood control projects where no other less damaging alternative is feasible and when necessary to protect public safety or existing development. In addition, Section 30240 of the Coastal Act states that environmentally sensitive habitat areas shall be protected and that development within or adjacent to such areas must be designed to prevent impacts which could degrade those resources. In addition, Coastal Act Section 30251

requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored.

The proposed project is for the implementation of Lower Devereux Creek desilting and maintenance program for a term of ten years. The project includes desilting approximately 2,200 linear feet (approximately 1-acre) of Lower Devereux Creek removing a maximum of 3,872 cu. yds. of sediment to construct a 12-foot to 14-foot ft. open water channel ranging in elevation from 3.5 to 5 feet above mean sea level and supplemental desilting of the channel on a periodic basis (removal of no more than 1,000 cu. yds. of sediment/year) to maintain proposed channel design. The project includes construction of a permanent 9,320 sq. ft. sedimentation basin immediately upstream of the confluence of Devereux Creek and East Branch Devereux Creek and on-going maintenance (removal of no more than 2,000 cu. yds. of sediment/year), as needed to maintain the design profile of the sedimentation basin. Other elements include the replacement of 147 linear feet of 42-inch culvert in two locations and the replacement of two existing wooden bridges over Devereux Creek with new 8 ft. by 35 ft. wooden bridges to continue to be used for golf cart access.

The project includes approximately 54,253 sq. ft. (approx. 1.25 acres) of freshwater marsh enhancement requiring approximately 5,525 cu. yds. of restorative cut grading, 47,555 sq. ft. (approx. 1.1 acre) of riparian enhancement, and 31,212 sq. ft. (approx. 0.7 acre) of high salt marsh enhancement within the Lower Devereux Creek corridor. In addition, approximately 21,000 sq. ft. of existing riparian habitat along Devereux Creek will remain undisturbed (approximately 0.5 acre). The 4.5-acre project area breaks down into a little more than three acres of new marsh and riparian enhancement, approximately one acre of open channel, and approximately ½-acre of existing riparian areas left in place.

The proposed project also includes removal of dense vegetation as part of an annual maintenance program such that if dense vegetation colonizes the creek to the extent that it impedes flows and aggravates sedimentation, it will be mowed using a Gradall® or excavator rigged with a mower. *No herbicides will be used to control vegetation as part of creek maintenance.*

The proposed desilting and maintenance activities will be located within Devereux Creek. The subject reach of the creek is identified as an environmentally sensitive habitat area by the Santa Barbara County Local Coastal Program and consists of riparian and wetland habitat. In addition, the subject reach of Devereux Creek is upstream and adjacent to environmentally sensitive habitat areas of Coal Oil Point Reserve (COPR). COPR is situated within the University's West Campus, including Devereux Slough, the surrounding marshy areas and riparian woodland, the grassland on the west side of the marsh, and the coastal dunes are recognized in the University's 1990 Long Range Development Plan (LRDP) as environmentally sensitive habitat areas (ESHA).

1. Sensitive Species and Habitats

According to the Negative Declaration (August 16, 2002) prepared for this project and based on the biological analysis conducted by Science Applications International Corporation (May 2002), no state- or federally-listed threatened or endangered species are known or expected to reside along lower Devereux Creek, although the state-listed Beldings' savannah sparrow may occasionally forage on the golf course. The project reach is designated as critical habitat for the southern steelhead, however, the biological analysis found that "no suitable habitat for any life stage of this species is present within the project area." (Neg. Dec. August 16, 2002). Data on sensitive species for this portion of the project reach is quite limited and based primarily on studies performed in a series of surveys conducted in one season (February 2002), however, due to the variability of populations, one year of studies is not conclusive of the use of the habitat by all species or of the potential of the enhanced habitat to support sensitive species in the future. Project activities with the potential to adversely impact sensitive species or sensitive habitat include (1) desilting operations to excavate an open channel; (2) annual maintenance of vegetation; and (3) construction and annual maintenance of the sedimentation basin.

The segment of Devereux Creek subject to this application is approximately 2,200 ft. long beginning immediately upstream of Devereux Slough and extending upstream through Ocean Meadows Golf Course to the East Branch of Devereux Slough. The applicant's Negative Declaration determined the following biological conditions exist along the project reach (Santa Barbara County August 2002):

Lower Devereux Creek and the portion of East Fork Devereux Creek on the golf course property is generally surrounded by upland plants, manicured fairways, and greens as part of the Ocean Meadows Golf Course. In the project area, the creek has little open water. Most of the aquatic habitat is represented by shallow water with dense emergent vegetation. No published information describing aquatic species in the creek was available, and the following [biological analysis] is based on information from biological surveys conducted by SAIC in February 2002 (SAIC 2002) for this project.

...

No state- or federally-listed threatened or endangered species of plants or animals were observed in the February 2002 surveys. The tidewater goby (*Eucyclogobius newberryi*), federally-listed as endangered, has not been reported in Devereux Slough since 1968 (Swift et. Al. 1989), and none were found during surveys in 1993 (Ambrose 1995). This species has been proposed for de-listing, but it remains protected under the Endangered Species Act until such a proposal becomes a final ruling. Southern California Evolutionarily Significant Unit (ESU) steelhead (*Oncorhynchus mykiss*), federally-listed as threatened, was not found during U.S. Fish and Wildlife Service protocol surveys by SAIC. The Belding's savannah sparrow, state-listed as endangered, is known to occur in salt marsh habitat associated with Devereux Slough. Individuals of this species could forage on the golf course

at times, but few are expected to do so due to human presence on the golf course and because an abundance of suitable habitat is present at the slough.

In addition, Devereux Slough is an important habitat adjacent to, and downstream of, the project area, which is utilized by sensitive species and an abundance of wildlife, including over 100 bird species, five fish species (topsmelt, killifish, longjaw mudsucker, diamond turbot, and staghorn sculpin), and mammals such as bobcat, badger, red fox and raccoon. The Devereux Slough provides perennial and seasonal habitat for several sensitive wildlife species including common loon, American white pelican, brown pelican, double-crested cormorant, white-faced ibis, osprey, bald eagle, northern harrier, peregrine falcon, snowy plover, California gull, elegant tern, black tern, Belding's Savannah sparrow, and tricolored blackbird.

An existing weir (at the downstream terminus of the project reach) separates lower Devereux Creek from the slough, restricting the stream from tidal influence. This structure extends across the entire width of the active stream channel and presents a significant obstacle to fish movement up and downstream. The County has indicated that the date of construction of the structure is unknown but that it was probably built in the 1960s concurrent with the construction of the golf course, prior to the passage of the Coastal Act.

Initial desilting and sedimentation basin operations would take approximately 2 to 3 weeks with revegetation activities immediately following completion. Sediment will be removed from the creek using a Gradall® or excavator. The equipment will work from the top of the bank in areas that will subsequently be restored to high marsh or riparian habitats. The equipment will load trucks (10 c.y. end dumps) directly. The trucks will haul the sediment to the stockpile area to dewater for 3 weeks to 3 months, depending on the weather, and then be hauled off-site to a suitable upland disposal site. The results of current sediment tests submitted by the applicant indicate that the grain size of the channel sediment is primarily fine material, ranging from an average content of 71 to 98% fine material (No. 200 mesh sieve). This grain size is not appropriate for beach replenishment projects in the area.

The Lower Devereux Creek maintenance program includes annual maintenance of vegetation within the open channel, periodic (approximately once every two to three years) maintenance of the sedimentation basin, and periodic (approximately once in ten years) channel desilting to the open water design profile, as necessary. This translates to a maximum of 1,000 cu. yds. of cut grading to desilt the open water channel in future years and a maximum of 2,000 cu. yds. of cut grading to maintain the sediment basin under worst case storm conditions. Maintenance activities could require up to one week (five working days) to clean out the sediment basin and up to one week (five working days) to desilt the channel.

The proposed project has been designed in a manner to minimize adverse effects to the sensitive resources on the subject site. However, the proposed project may result in potential adverse effects to surrounding habitat due to unintentional disturbance from

construction equipment and grading activity. The Biological Survey Report (SAIC, May 2002) indicates that the project site is dominated by emergent wetland habitat and that a variety of wildlife species occur within the subject area including: song sparrow, common yellowthroat, snipe, mallard, common mudhen, snowy egret, great blue heron, black-crowned night heron, sora rail, Pacific chorus frogs, mosquitofish, crayfish, mice and raccoon. The Final Mitigated Negative Declaration for this project indicates that impacts to most avian species, including the loss of foraging and roosting habitat have the potential to be significant but would be reduced by scheduling the construction activities to avoid the breeding season from March 15 through August 31. **Special Condition One (1)** requires that all project operations, including maintenance activities, in and along Devereux Creek within the project reach shall be prohibited from March 15 through August 31 to avoid impact to avian species during breeding season.

In addition, the subject site is located within designated critical habitat for steelhead trout. Southern steelhead occur in coastal streams and creeks in Central, Northern California, and Oregon. The populations that occur between Los Angeles County and northern Santa Barbara County constitute the South-Central Evolutionary Significant Unit (ESU) which has been designated an endangered species by the National Marine Fisheries Service. Southern steelhead are anadromous (migrating from freshwater to the ocean as juveniles and returning to freshwater as an adult to spawn). Spawning occurs from December through June when higher winter stream flows occur.

Biological Survey (SAIC, May 2002) and Final Negative Declaration by Santa Barbara County Flood Control District dated August 16, 2002 found that there has been no recent or historic evidence of migration and spawning of steelhead in Devereux Creek:

Although Devereux Creek is a coastal stream within the designated critical habitat area (USFWS 2000), Steelhead have not been reported from Devereux Slough and Devereux Creek (Lafferty, personal communication 2002). The creek bed in the project area is choked with emergent vegetation and has minimal slowing during most of the year. This, along with the lack of spawning gravel on the site as well as upstream and the presence of several potential barriers to migration, make the creek unsuitable for steelhead migration, spawning, or rearing.

Based on the above information, the potential for the project reach to harbor steelhead species is very low. However, given that the area is designated critical habitat for a federally listed endangered species, and given that the permit encompasses a term of ten years, the channel is proposed to be restored, and given the potential future changes both upstream and downstream of the project reach, the Commission finds it necessary to prohibit project operations within the project reach of Devereux Creek, pursuant to **Special Condition One (1)**, during steelhead trout spawning from mid December through June when high winter stream flows occur, unless specific authorization is provided by U.S. Fish and Wildlife Service and/or National Marine Fisheries Service. The Commission finds it necessary to require Special Condition 1 to ensure that any potential adverse impacts to steelhead migration, now or in the future, as a result of project operations are avoided. Steelhead are not expected to be actively

migrating upstream during the fall and winter season if streams are not flowing at an adequate rate.

In addition, sensitive species and habitat could be adversely impacted as a result of the implementation of project activities by unintentionally introducing sediment or by unintentionally disturbing the surrounding habitat as a direct result of the construction or maintenance project activities. Therefore, to ensure that all recommendations of the environmental consultant are properly implemented, and to ensure that any potential adverse effects to sensitive habitat are minimized during project activities, **Special Condition Four (4)** requires a qualified environmental resource specialist to conduct a survey of the project site each day prior to commencement of any project activities in and along the project reach of Devereux Creek to determine whether any sensitive wildlife species are present. In the event that any sensitive wildlife species are present on the project site, the environmental resource specialist shall, as appropriate, implement a resource avoidance program with sufficient buffer areas to ensure adverse effects to such resources are avoided. In addition, pursuant to Special Condition 4, if the presence of any such sensitive species requires review by the United States Fish and Wildlife Service, National Marine Fisheries Service, and/or the California Department of Fish and Game, then no development activities shall be allowed or continue until any required authorizations are received, subject to the approval of the Executive Director.

Special Condition Four (4) also requires the monitor to be present during project activities. The monitor shall have the authority to cease operations should any breach in permit compliance occur or if any unforeseen habitat issues arise. If significant impacts or damage occur to sensitive wildlife species or habitat, the applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts.

The proposed development will require other regulatory approvals such as the California Regional Water Quality Control Board and Army Corps of Engineers. Therefore, **Special Condition Nine (9)** requires the applicant to agree to obtain all other required state and federal approvals for the proposed project prior to commencement of construction, or evidence that notice has been provided to such agencies and no permit is required.

To ensure that the project is implemented for the long-term protection of habitat, **Special Condition Six (6)** requires the applicant to provide notification of the intent to conduct periodic channel desilting operations, subsequent to the initial Fall 2002 channel desilting, at least twelve weeks prior to the proposed commencement of the operation. Special Condition 6 requires the applicant to submit updated project plans, details regarding the proposed desilting event, a schedule of operations, applicable regulatory approvals, results of updated biological surveys and an assessment of the project operations to adversely impact species or habitats, updated grain size and chemical analysis of sediment, and sediment suitability analysis for the review and approval of the Executive Director. The updated project operations shall contain evidence that all project operations, including construction staging areas, stockpile

areas, and access routes will not adversely impact the surrounding habitat restoration areas. If the Executive Director determines that the project may have significant adverse impacts to coastal resources, including sensitive species or habitat, the Executive Director shall provide written notice to the applicant of such determination. The applicant shall be required to submit a revised, or supplemental program to adequately mitigate such impacts. The revised, or supplemental, program shall be processed as an amendment to this coastal development permit or as a separate coastal development permit, at the discretion of the Executive Director.

The proposed project will involve approximately 9,397 cubic yards of initial grading and up to 3,000 cubic yards of cut grading per year for maintenance. This substantial grading and use of heavy equipment in and along the creek corridor has the potential to contribute to elevated levels of erosion which could result in adverse effects to habitat from increased turbidity caused by erosion and siltation of coastal waters. Therefore, in order to ensure that adverse effects to sensitive habitat are minimized, **Special Condition Five (5)** requires the applicant to submit project plans identifying the measures to be implemented to control erosion during all project construction activities, for the review and approval of Executive Director at least two weeks prior to commencement of any channel desilting event. Among the measures available to avoid erosion during and after construction are the implementation of rainy season controls such as the use of sediment basins (including debris basins, desilting basins, or silt traps) silt fencing, swales, etc. These measures are among the requirements set forth in Special Condition 5. Furthermore, Special Condition 5 requires that the plans delineate the areas to be disturbed by grading or construction activities, including any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction, as described in Special Condition 5.

The Commission notes that excavated materials that are placed in stockpiles are subject to increased erosion and that additional landform alteration would result if the excavated material were to be permanently retained on site. In order to ensure that excavated material will be limited to the designated temporary stockpile areas, and that landform alteration is minimized, consistent with Coastal Act Section 30251, **Special Condition Seven (7)** requires the applicants to remove all excavated material when dewatering is complete, up to approximately three months. Special Condition 7 further requires the applicant to provide evidence to the Executive Director of the location and method of disposal to an approved disposal location either outside the coastal zone or to a site within the coastal zone permitted to receive such fill.

2. Habitat Enhancement

Lower Devereux Creek in the project area has little open water. Most of the aquatic habitat is represented by shallow water with dense emergent vegetation. The project

area consists primarily of dense California bulrush and cattail stands within the creek channel. Riparian vegetation includes scattered willows in and adjacent to the Devereux Creek channel in the lower and central project area with dense areas of willows at the upstream end of the project site. These areas include an understory of stinging nettle and blackberries. The creek banks have a mix of aquatic, salt marsh, and upland species, with the lower banks bordering the creek consisting primarily of salt grass, pickleweed, and alkali heath and the higher banks dominated by a mix of upland and salt marsh species.

The proposed project includes the restoration and enhancement of approximately three acres of habitat along the project reach and avoidance of ½-acre of existing riparian habitat. In addition, the removal of sediment in the stream corridor will restore an open water channel along the length of the creek. The enhancement area consists of three distinct habitats: freshwater marsh, high saltwater marsh, and riparian (see Exhibit 3). The project includes the planting of native wetland species along the project reach, transitioning from riparian habitat at the northern end of the project area, to a mixture of freshwater marsh / riparian mix through the central portion of the project area, to freshwater marsh surrounded by a high saltwater marsh community in the southern section of the project area (Exhibit 3). The project components that could affect the habitat restoration and enhancement are future maintenance activities, including periodic maintenance of the vegetation in the open water channel, periodic maintenance of the sediment basin, and additional desilting of the channel. The project has been designed, for the most part, such that the freshwater marsh component is proposed only on one side or the other of the creek channel. Future access would be required in either the riparian or high salt marsh areas adjacent to the channel, and replanted. No access would be required in the freshwater marsh, including a portion of the southern section of the project wherein both sides of the channel are proposed as freshwater marsh habitat.

The applicant proposes to remove sediment from an approximately 12 to 14-foot swath of the existing channel to create an open water channel. In addition, the applicant proposes to excavate a sedimentation basin at the upstream end of the project reach in order to avoid future sedimentation in the created open water channel. Excavation of sediment for the channel and sedimentation basin encompasses approximately 1 acre of the project footprint, substituting a mix of freshwater marsh, saltwater marsh, and riparian habitats with aquatic habitat. Approximately three-acres of adjacent area, that presently serve as part of the golf course fairways would then be restored and enhanced to achieve high value freshwater marsh, high salt marsh, and riparian habitats.

The project as proposed includes actively planting the riparian and high salt marsh along the upper banks. The freshwater marsh areas would be created adjacent to the open water channel on an artificially created bench cut out of the banks at elevation 5.0 ft. msl (Section A-A on Exhibit 4a). The freshwater marsh areas would be constructed by removing the topsoil (approximately one foot) of the channel material containing the existing wetland plants and replacing the topsoil in mounds over the bench cut. The

restoration plan provided by the applicant anticipates 70% cover of native vegetation such as cattails and bulrush within five years of installation using this technique.

Approximately 2.6 acres of Coastal Commission defined wetlands occur within the project area (Mitigated Neg. Declaration, August 2002). Approximately 1 acre represents the freshwater emergent vegetation within the channel, approximately ½-acre represents surrounding riparian, and the remaining approximately 1.1 acres represents significantly degraded wetland along the top of the creek banks. The remainder of the 4.5-acre project area (approx. 1.9 acres) lies on fill used to construct the golf course and consists of turf grass and other landscape features associated with the golf course. The project does not entail the filling of any wetland and the entire 2.6 acres of wetland would continue to serve as wetlands. However, the configuration of wetland would be modified. A wetlands delineation conducted concurrent with the biological surveys determined that sediment removal in the creek would affect approximately 0.9 acres of CCC wetlands for desilting of the open channel and permanent construction of the sedimentation basin (SAIC, May 2002). This translates into the removal of freshwater emergent wetland and its conversion into an acre of open water channel wetland. The 1.1 acres of highly degraded wetland along the top of the creek banks and the remaining 1.9 acres of associated golf course landscape on fill will be restored to high salt marsh and riparian habitats. The new configuration therefore represents a total of 4.5 acres of wetland, including 1.9 newly created wetlands, 1.1 acres of significantly restored wetland, and the retention of 0.5-acre of existing riparian habitat.

The proposed project is necessary in order to prevent flooding of existing development. In addition, the alteration of streambeds (as proposed by this project) is consistent with Section 30236 of the Coastal Act, when required for flood control projects to protect public safety or existing development and when adverse effects have been mitigated to the maximum extent feasible. In this case, the proposed flood control project may result in some potential adverse effects to surrounding habitat due to unintentional disturbance from construction equipment, grading and/or maintenance activities.

The proposed project provides for restoration and revegetation of the subject site with native vegetation endemic to wetland and riparian areas. However, the proposed project could result in potential adverse effects to the wetland habitat due to increased erosion on site and subsequent sedimentation of the creek bed and/or downstream slough, if revegetation is not successful. Therefore, to ensure that the proposed revegetation effort is successful and that the subject area is adequately revegetated, **Special Condition Two (2)** requires the submittal of a restoration and enhancement program prepared by a qualified resource specialist, for the review and approval of the Executive Director, which outlines specific revegetation and restoration performance standards. The program shall be implemented to monitor the restoration effort for compliance with the specified guidelines and performance standards. The program shall also include the submittal, on an annual basis for a period of five years, beginning after the initial planting is completed, a written report evaluating the extent of the success or failure of the restoration project. This report shall include further

recommendations and requirements for additional restoration and revegetation activities in order for the project to meet the specified criteria and performance standards. At the end of a three year period, a final detailed report shall be submitted for the review and approval of the Executive Director. If this report indicates that the revegetation program has in part, or in whole, been unsuccessful, based on the approved performance standards, the applicant shall be required to submit a revised or supplemental program to compensate for those portions of the original program which were not successful. The Executive shall determine whether implementation of the revised or supplemental revegetation program will require an amendment to this permit. **Special Condition Three (3)** has been required to ensure that the restoration and enhancement of habitat will be implemented in accordance with the applicants' proposal.

Wetland plants are expected to recolonize the banks of the cleared channel and may invade shallow areas of the channel. The applicant has proposed maintenance of vegetation encroaching into the open water channel to remove the vegetation by mowing it, as-needed. However, the Commission also notes that the proposed technique may still result in some potential adverse effects to the environmentally sensitive riparian habitat area on site. Therefore, in order to ensure that any potential adverse effects to water quality and riparian habitat are minimized, **Special Condition Four (4)** requires the applicant to retain the services of an environmental resource specialist(s) to be present on site during all vegetation removal activities.

To ensure successful implementation, **Special Condition Four (4)** also specifies that the monitor shall have the authority to require the applicant to cease work should any breach in permit compliance occur, or if any unforeseen sensitive habitat issues arise. If significant adverse effects or damage to the habitat value of the site occur as a result of the proposed construction activity, beyond that allowed by this permit, the applicant shall be required to submit a revised, or supplemental, restoration program to adequately mitigate such adverse effects. Any native vegetation inadvertently impacted outside of the open water channel or damaged during implementation of the project shall be replaced in kind at a 3:1 or greater ratio.

The proposed project will involve approximately 9,397 cubic yards of initial grading and up to 3,000 cubic yards of cut grading per year for maintenance. This substantial grading and use of heavy equipment in and along the creek corridor has the potential to contribute to elevated levels of erosion which could result in adverse effects to the restored habitat. Therefore, in order to ensure that adverse effects to the restored habitats are minimized, **Special Condition Five (5)** requires the applicant to submit project plans identifying the measures to be implemented to control erosion during all project construction activities, for the review and approval of Executive Director at least two weeks prior to commencement of any channel desilting event. Among the measures available to avoid erosion during and after construction are the implementation of rainy season controls such as the use of sediment basins (including debris basins, desilting basins, or silt traps) silt fencing, swales, etc. These measures are among the requirements set forth in Special Condition 5. Furthermore, Special Condition 5 requires that the plans delineate the areas to be disturbed by grading or

construction activities, including any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction, as described in Special Condition 5.

Furthermore, excavated materials that are placed in stockpiles are subject to increased erosion. Additional landform alteration would result if the excavated material were to be permanently retained on site. In order to ensure that excavated material will be limited to the designated temporary stockpile areas, and that landform alteration is minimized, **Special Condition Seven (7)** requires the applicants to remove all excavated material from the designated stockpile site when dewatering is complete, allowing up to approximately three months for the dewatering process which is contingent up weather conditions. Special Condition 7 further requires the applicant to provide evidence to the Executive Director of the location and method of disposal to an approved disposal location either outside the coastal zone or to a site within the coastal zone permitted to receive such fill.

For the above reasons, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30230, 30231, 30236, 30240, and 30251 of the Coastal Act.

C. Hazards and Shoreline Processes

Section 30253 of the Coastal Act states, in part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.**
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.**

Section 30253 of the Coastal Act mandates that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard. The purpose of the proposed desiltation program is to maintain the flood water carrying capacity in Devereux Creek to reduce the likelihood of flood damage to adjacent residential areas, particularly University Village residential community. Sediment levels in the project reach are higher than the storm drain outlets contributing to flood conditions. Modeling of the proposed flood control measures shows that the proposed project would substantially reduce flooding for the 2-, 5-, and 10-year storm events (Final MND, August 2002; Penfield & Smith, October 2001).

The proposed project is for the implementation of Lower Devereux Creek desilting and maintenance program for a term of ten years. The project includes desilting

approximately 2,200 linear feet (approximately 1-acre) of Lower Devereux Creek removing a maximum of 3,872 cu. yds. of sediment to construct a 12-foot to 14-foot ft. open water channel ranging in elevation from 3.5 to 5 feet above mean sea level and supplemental desilting of the channel on a periodic basis (removal of no more than 1,000 cu. yds. of sediment/year) to maintain proposed channel design. The project includes construction of a permanent 9,320 sq. ft. sedimentation basin immediately upstream of the confluence of Devereux Creek and East Branch Devereux Creek and on-going maintenance (removal of no more than 2,000 cu. yds. of sediment/year), as needed to maintain the design profile of the sedimentation basin. Other elements include the replacement of 147 linear feet of 42-inch culvert in two locations and the replacement of two existing wooden bridges over Devereux Creek with new 8 ft. by 35 ft. wooden bridges to continue to be used for golf cart access.

The project includes approximately 54,253 sq. ft. (approx. 1.25 acres) of freshwater marsh enhancement requiring approximately 5,525 cu. yds. of restorative cut grading, 47,555 sq. ft. (approx. 1.1 acre) of riparian enhancement, and 31,212 sq. ft. (approx. 0.7 acre) of high salt marsh enhancement within the Lower Devereux Creek corridor. In addition, approximately 21,000 sq. ft. of existing riparian habitat along Devereux Creek will remain undisturbed (approximately 0.5 acre). The 4.5-acre project area breaks down into approximately three acres of new marsh and riparian enhancement, approximately one acre of open channel, and approximately ½-acre of existing riparian areas left in place.

The applicant has provided a suitability analysis for the sediment to be dredged during the initial Fall 2002 desilting operation which indicates that the material is composed primarily of fine material not suitable for beach replenishment. However, the project includes potential desilting of the creek channel and maintenance of the sedimentation basin on a periodic, as-needed basis for the proposed ten-year term of this permit. As a result, specific information regarding the suitability of sediment to be removed from the project area in the future cannot be ascertained until such activities are planned to be undertaken. Therefore, **Special Condition Seven (7)** requires that prior to any disposal of excavated material, the applicant shall submit a suitability analysis, for the review and approval of the Executive Director, to determine its suitability for beach disposal/nourishment. The analysis shall include confirmation by the U.S. Army Corps of Engineers that the material to be excavated meets the minimum criteria necessary for placement on the sandy beach or within the surf zone. If the material meets all applicable federal and state beach nourishment or dredge soil discharge requirements, the material shall be reserved for such use and shall be placed in an appropriate location approved under separate coastal development permit or amendment, as applicable.

The proposed project will involve approximately 9,397 cubic yards of initial grading and up to 3,000 cubic yards of cut grading per year for maintenance. All sediment is proposed to be removed from the project reach and stockpiled for dewatering, which would take three weeks to three months, depending on weather conditions. To ensure that material stockpiling is temporary, **Special Condition Seven (7)** prohibits

permanent stockpiling of material. Pursuant to Special Condition 7, sediment may be stockpiled in the designated temporary stockpile area until removed by vehicle to an approved disposal location either outside of the coastal zone or to a site within the coastal zone that is permitted to receive such fill. In addition, Special Condition 7 requires the applicant to notify the Executive Director of the disposal site and method of disposal at least two weeks prior to disposal activities.

This substantial grading and use of heavy equipment in and along the creek corridor has the potential to contribute to elevated levels of erosion which could result in adverse effects to the restored habitat. Therefore, in order to ensure that adverse effects to the restored habitats are minimized, **Special Condition Five (5)** requires the applicant to submit project plans identifying the measures to be implemented to control erosion during all project construction activities, for the review and approval of Executive Director at least two weeks prior to commencement of any channel desilting event. Among the measures available to avoid erosion during and after construction are the implementation of rainy season controls such as the use of sediment basins (including debris basins, desilting basins, or silt traps) silt fencing, swales, etc. These measures are among the requirements set forth in Special Condition 5. Furthermore, Special Condition 5 requires that the plans delineate the areas to be disturbed by grading or construction activities, including any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction, as described I Special Condition 5.

Furthermore, the Commission notes, based on the information submitted by Santa Barbara County Flood Control District, that the proposed development is located in an area of the Coastal Zone which has been identified as subject to potential hazards from flooding. The applicant has indicated that developed residential areas upstream of the project site are subject to seasonal flood events during the winter storm season as a result of the sediment accumulation in the Devereux Creek channel. As such, the Commission notes that evidence exists that the project site is subject to potential risks due to storm waves and surges, high surf conditions, erosion, and flooding.

The Commission further notes that although the proposed development is intended as a flood control project and will serve to reduce the potential for flooding of the developed areas, there remains some inherent risk to any flood control projects. The Coastal Act recognizes that certain types of development, such as the proposed project, may involve the taking of some risk. Coastal Act policies require the Commission to establish the appropriate degree of risk acceptable for the proposed development and to determine who should assume the risk. When development in areas of identified hazards is proposed, the Commission considers the hazard associated with the project site and the potential cost to the public, as well as the individual's right to use his property. As such, the Commission finds that due to the unforeseen possibility of storm waves, surges, erosion, and flooding, the applicant shall

assume these risks as a condition of approval. Therefore, **Special Condition Nine (9)** requires the applicant to waive any claim of liability against the Commission for damage to life or property which may occur as a result of the permitted development. The applicant's assumption of risk, will show that the applicant is aware of and appreciates the nature of the hazards which exist on the site, and which may adversely affect the stability or safety of the proposed development.

Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Coastal Act Section 30253.

D. Local Coastal Program

The proposed project area lies within the unincorporated area of County of Santa Barbara, but falls within the Commission's area of retained original permit jurisdiction. The Commission has certified the Local Coastal Program for the County of Santa Barbara (Land Use Plan and Implementation Ordinances) which contains policies for regulating development and protection of coastal resources, including the protection of environmentally sensitive habitats, recreational and visitor serving facilities, coastal hazards, and public access.

E. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect, which the activity may have on the environment.

The Commission finds that, the proposed project, as conditioned will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project, as conditioned, has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

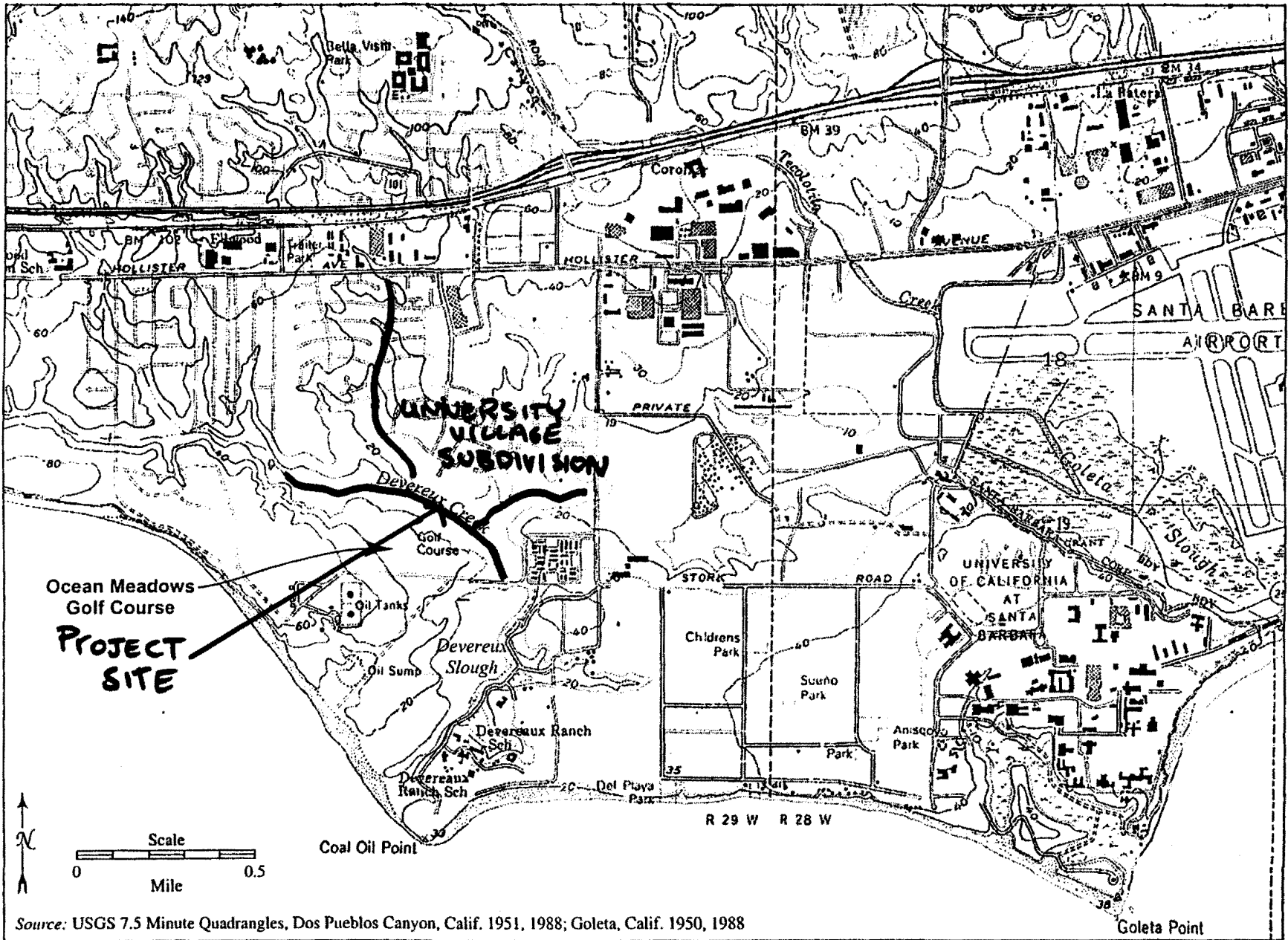
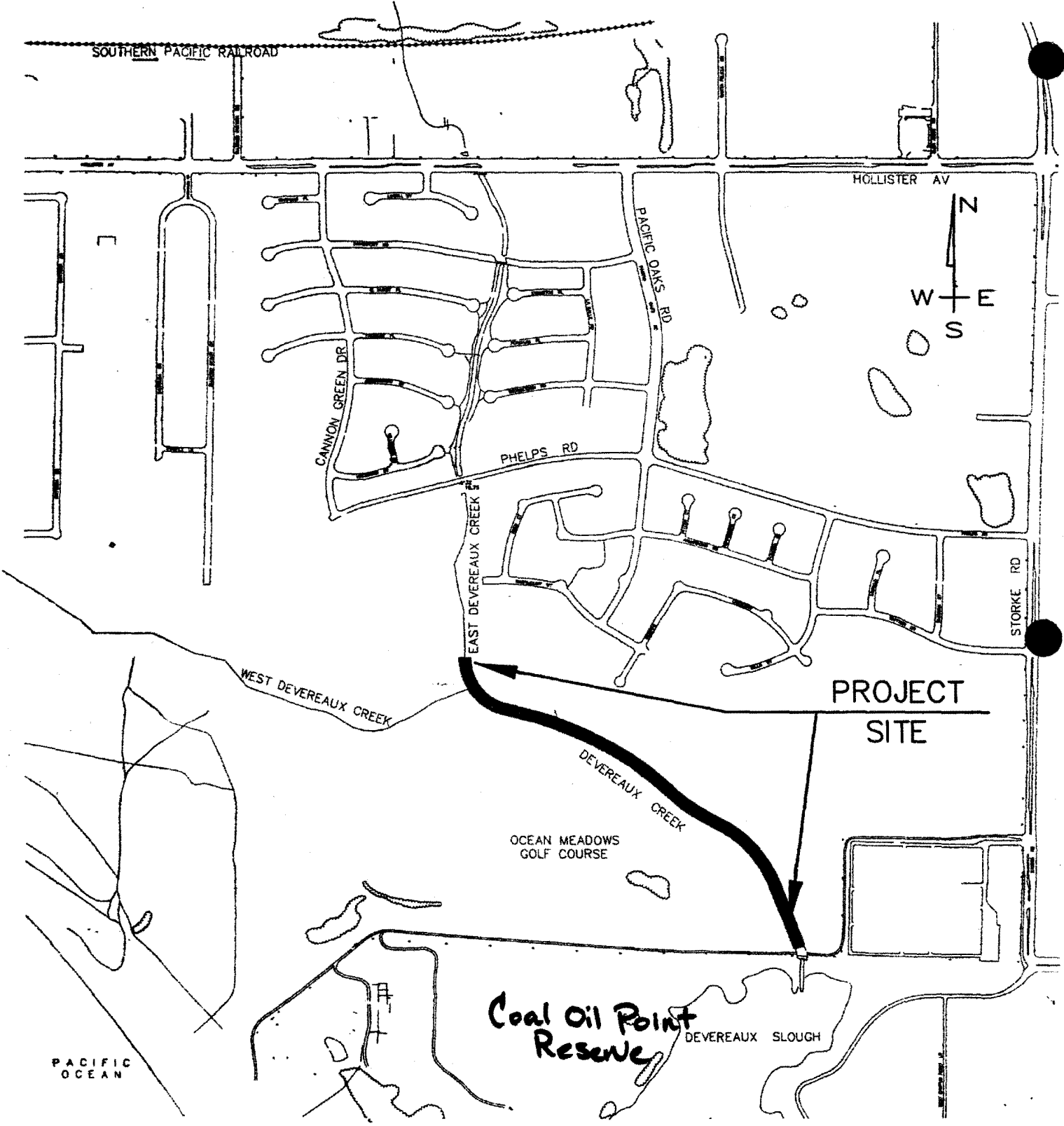


Figure 1. Project Location

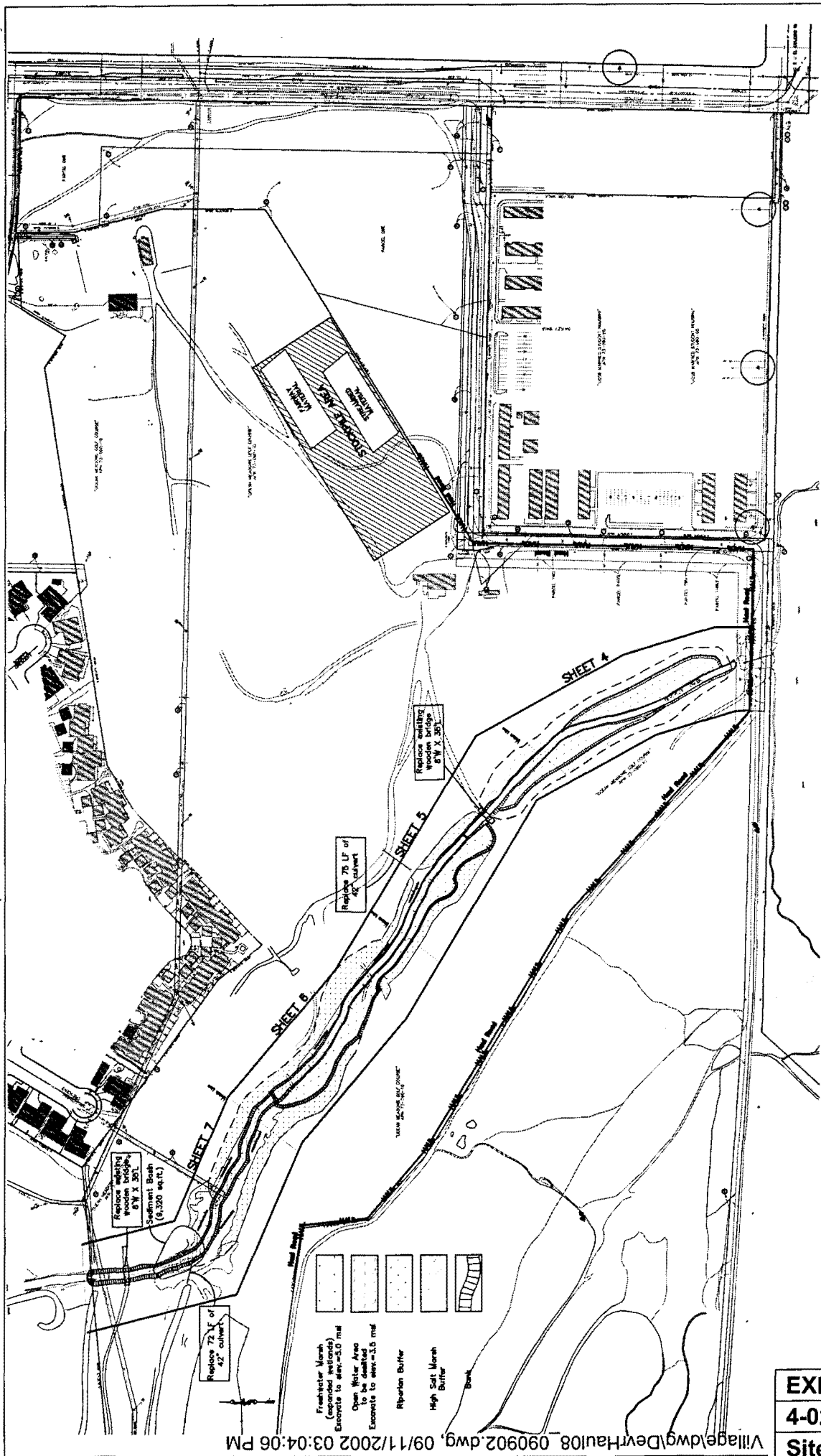
EXHIBIT 1
 4-02-176
 Vicinity Map



SITE MAP
No Scale

RECEIVED
SEP 11 2002

EXHIBIT 2
4-02-176
Location Map



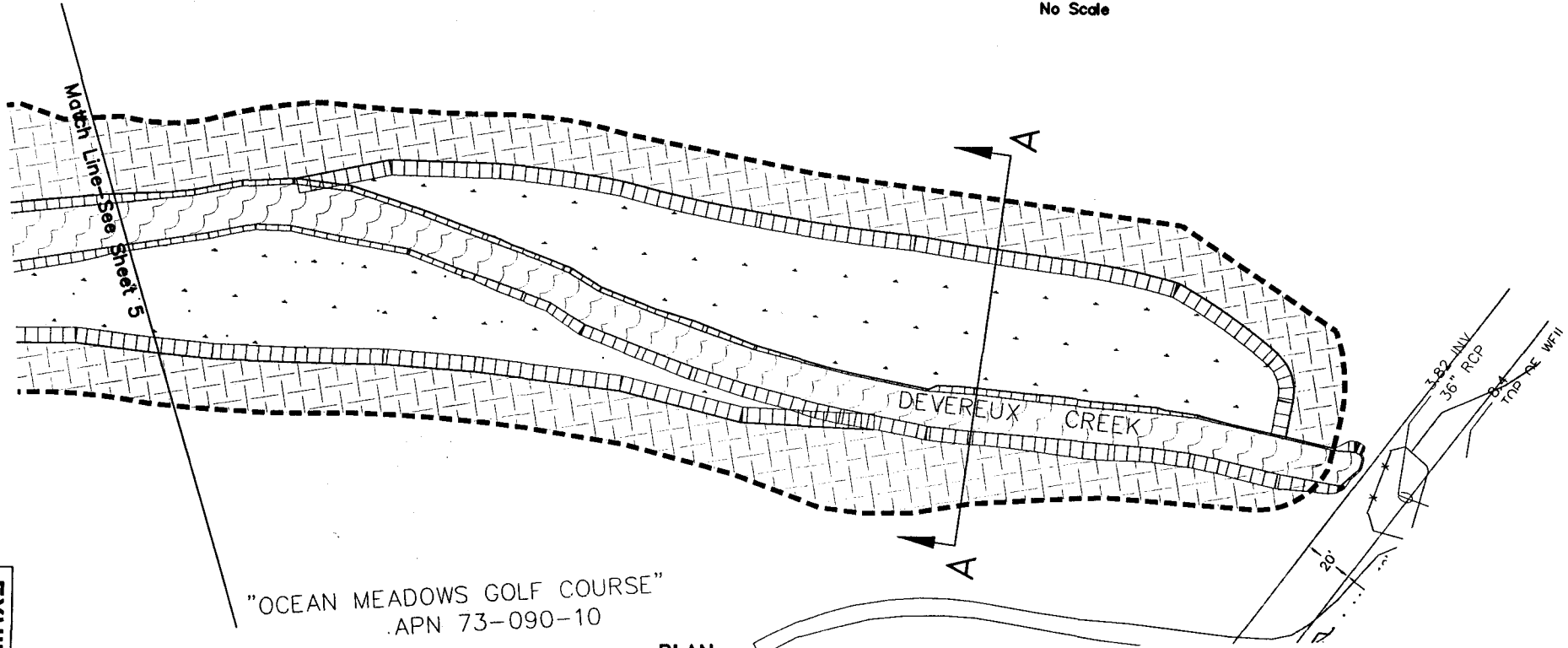
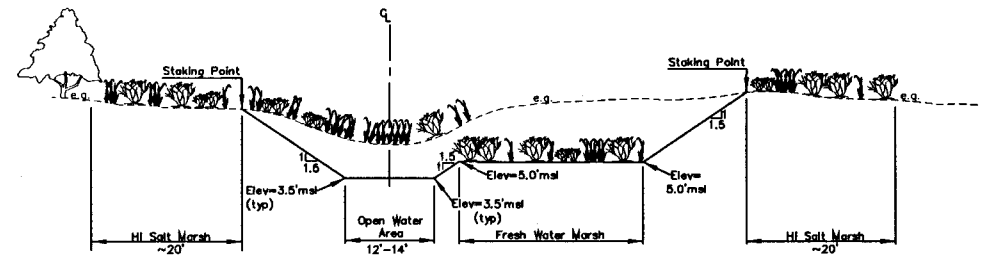
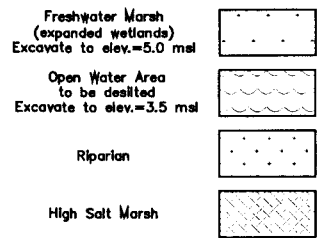
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PLAN: HAUL ROAD
Scale 1" = 100'

		<p>LOWER DEVEREAUX CREEK PROJECT AREA OF COLETA SANTA BARBARA COUNTY, CALIFORNIA</p>	<p>LOWER DEVEREAUX CREEK PROJECT</p>	<p>SHEET 3 OF 7</p>
<p>DESIGNED BY: MKT</p>	<p>DRAWN BY: FAH</p>			

EXHIBIT 3
4-02-176
Site Plan

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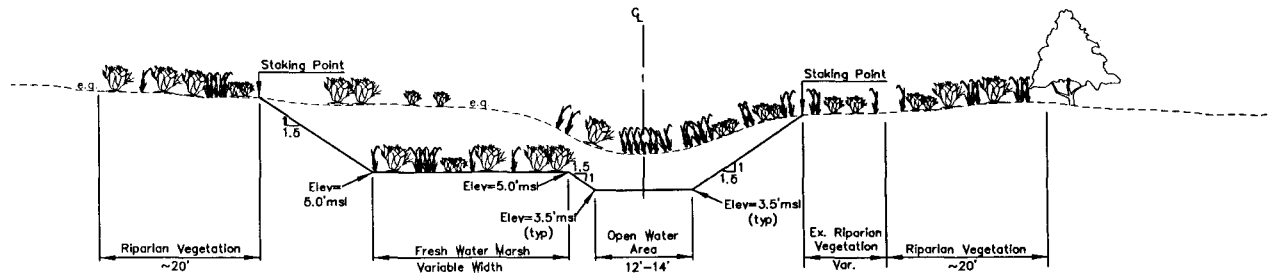
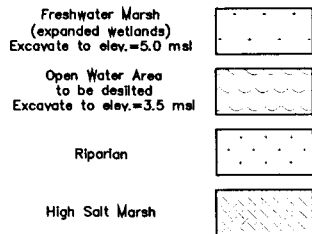


"OCEAN MEADOWS GOLF COURSE"
APN 73-090-10

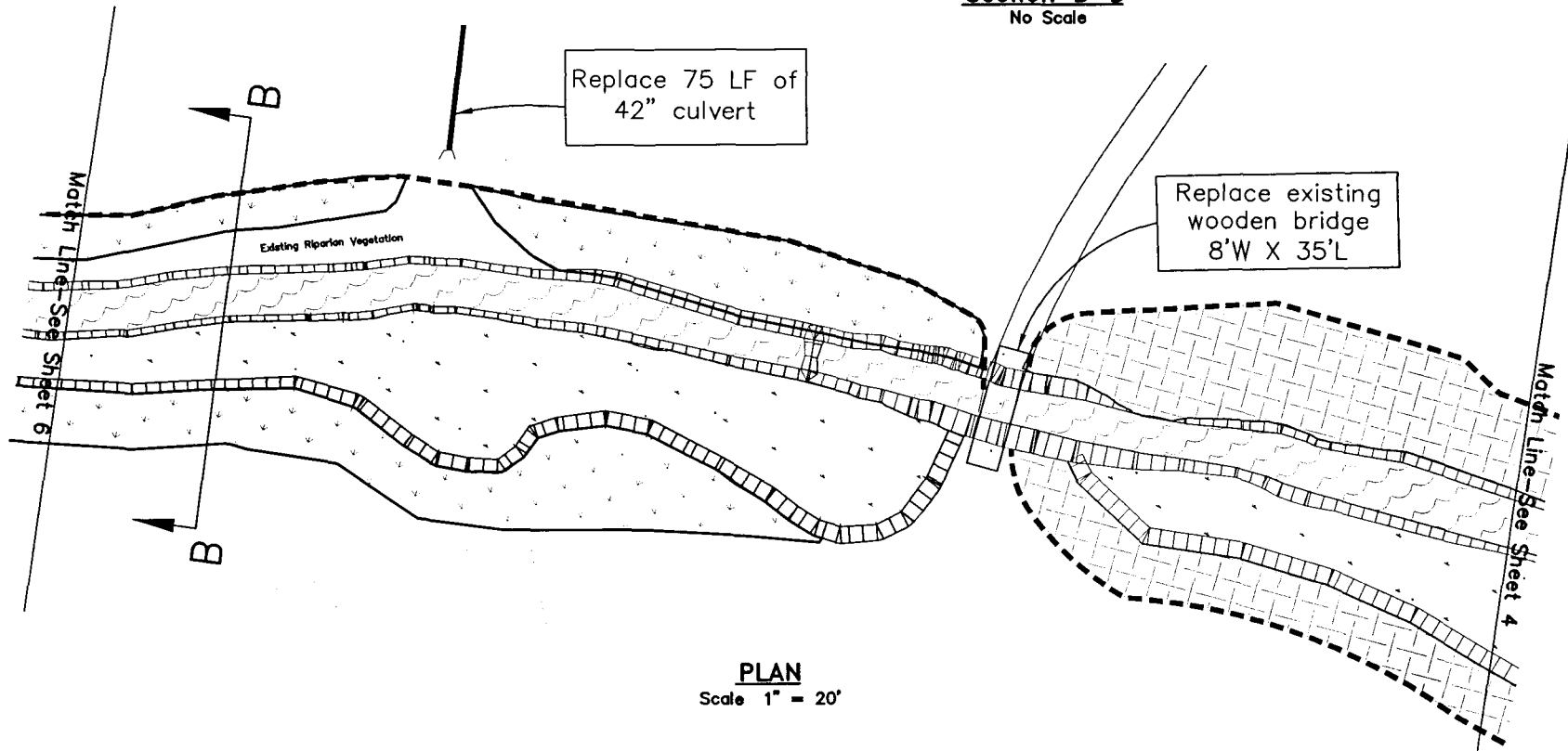
EXHIBIT 4a
4-02-176
Site Plan Segment 1:
South Devereux Creek

DESIGNED BY: KT	DATE:	PROJECT:	LOWER DEVEREUX CREEK PROJECT AREA OF GOLETA SANTA BARBARA COUNTY, CALIFORNIA	LOWER DEVEREUX CREEK PROJECT	DESIGNED BY: KT	SHEET 4 OF 7
DRAWN BY: FAH	DATE:	PROJECT:			DRAWN BY: FAH	
CHECKED BY: LF	DATE:	PROJECT:			CHECKED BY: LF	

Filename: Dev\Haul08_090902.dwg



Section B-B
No Scale

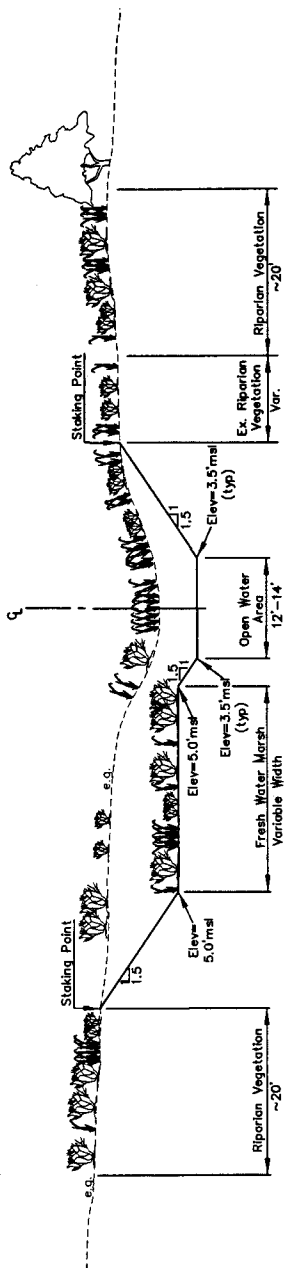


PLAN
Scale 1" = 20'

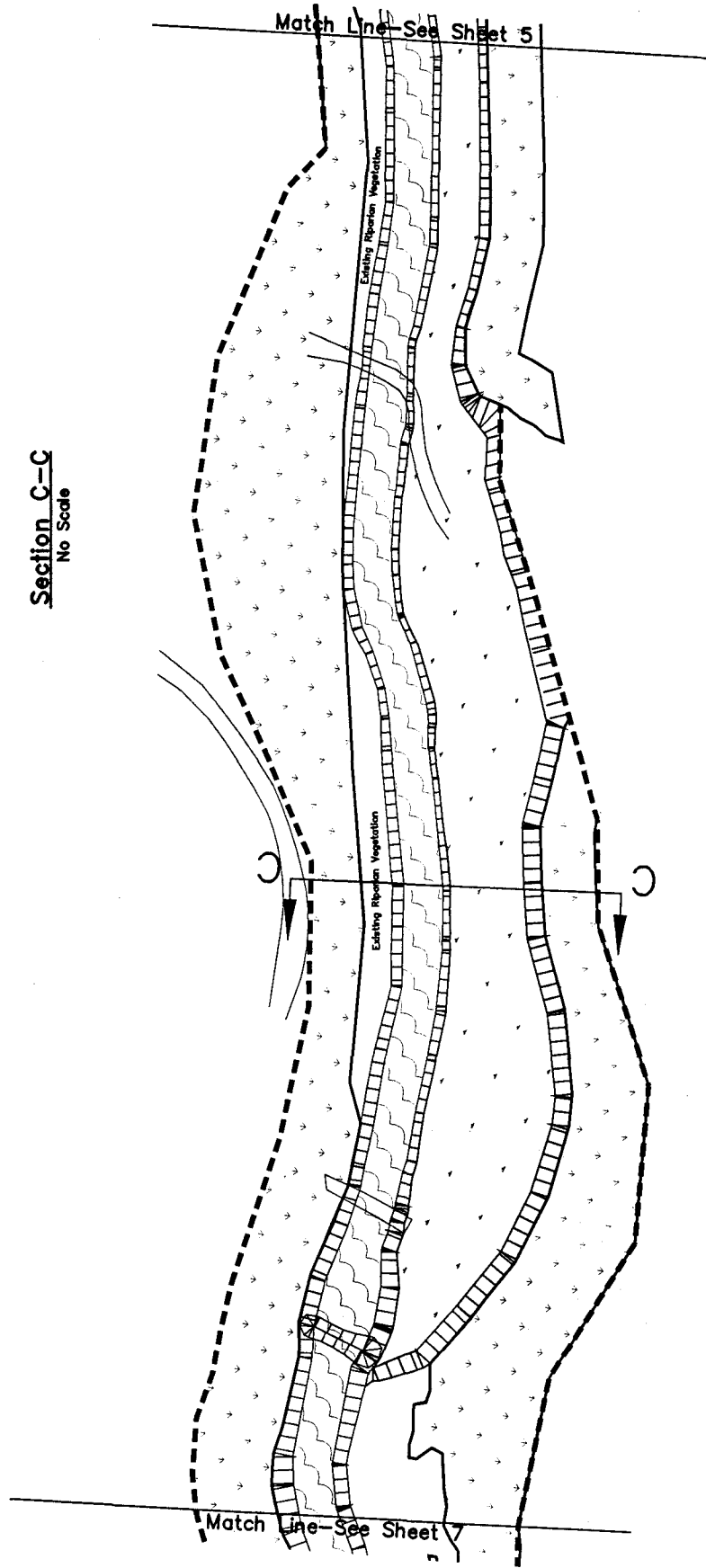
EXHIBIT 4b
4-02-176
Site Plan Segment 2:
South Central Dev. CK

	DESIGNED BY	DATE		LOWER DEVEREAUX CREEK PROJECT AREA OF COLETA SANTA BARBARA COUNTY, CALIFORNIA	DESIGNED BY	DATE
	KEVIN L. COYLE LICENSED PROFESSIONAL ENGINEER No. 11000 State of California	KEVIN L. COYLE LICENSED PROFESSIONAL ENGINEER No. 11000 State of California			KT FAH LF	KT FAH LF

- Freshwater Marsh (expanded wetlands)
Excavate to elev. = 5.0 msl
- Open Water Area to be desalted
Excavate to elev. = 3.5 msl
- Riparian
- High Salt Marsh



Section C-C
No Scale

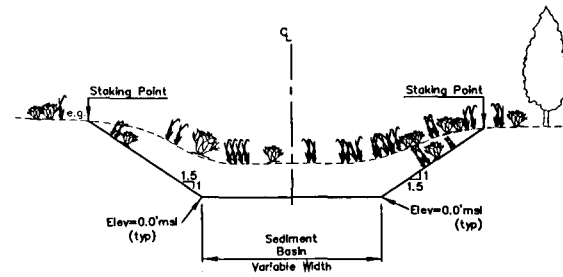


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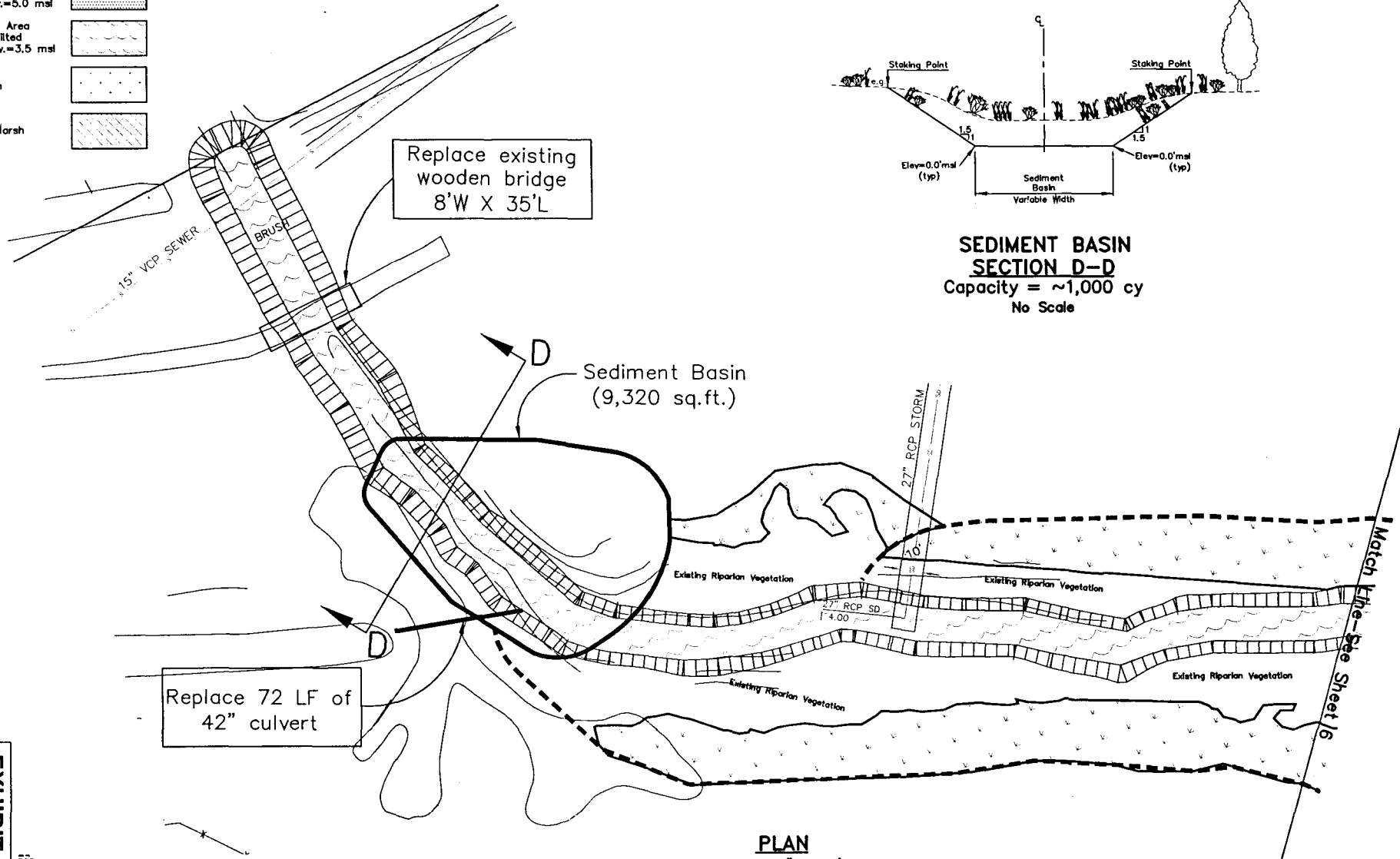
		LOWER DEVEREAUX CREEK PROJECT AREA OF GOLETA SANTA BARBARA COUNTY, CALIFORNIA		SHEET 6 OF 7 <small>Prepared: 04/20/16 09:00 AM</small>	
DESIGNED BY: DRAWN BY: CHECKED BY: DATE:	PROJECT NO.: SHEET NO.:	LOWER DEVEREAUX CREEK PROJECT AREA OF GOLETA SANTA BARBARA COUNTY, CALIFORNIA		SHEET 6 OF 7 <small>Prepared: 04/20/16 09:00 AM</small>	

EXHIBIT 4c
4-02-176
Site Plan Segment 3:
North Central Dev. Ck.

- Freshwater Marsh
(expanded wetlands)
Excavate to elev.=5.0 msl
- Open Water Area
to be desilted
Excavate to elev.=3.5 msl
- Riparian
- High Salt Marsh



**SEDIMENT BASIN
SECTION D-D**
Capacity = ~1,000 cy
No Scale



PLAN
Scale 1" = 20'

EXHIBIT 4d
4-02-17c
Site Plan Segment 4:
North Devereaux Creek

	DESIGNED BY: ROBERT J. CONROY, DESIGN ENGINEER			LOWER DEVEREAUX CREEK PROJECT AREA OF GOLETA SANTA BARBARA COUNTY, CALIFORNIA	LOWER DEVEREAUX CREEK PROJECT	DESIGNED BY: KT DRAWN BY: FAH CHECKED BY: LF	SHEET 7 OF 7 <small>Lower_Devereaux09_090902.dwg</small>
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UNIVERSITY VILLAGE SUBDIVISION

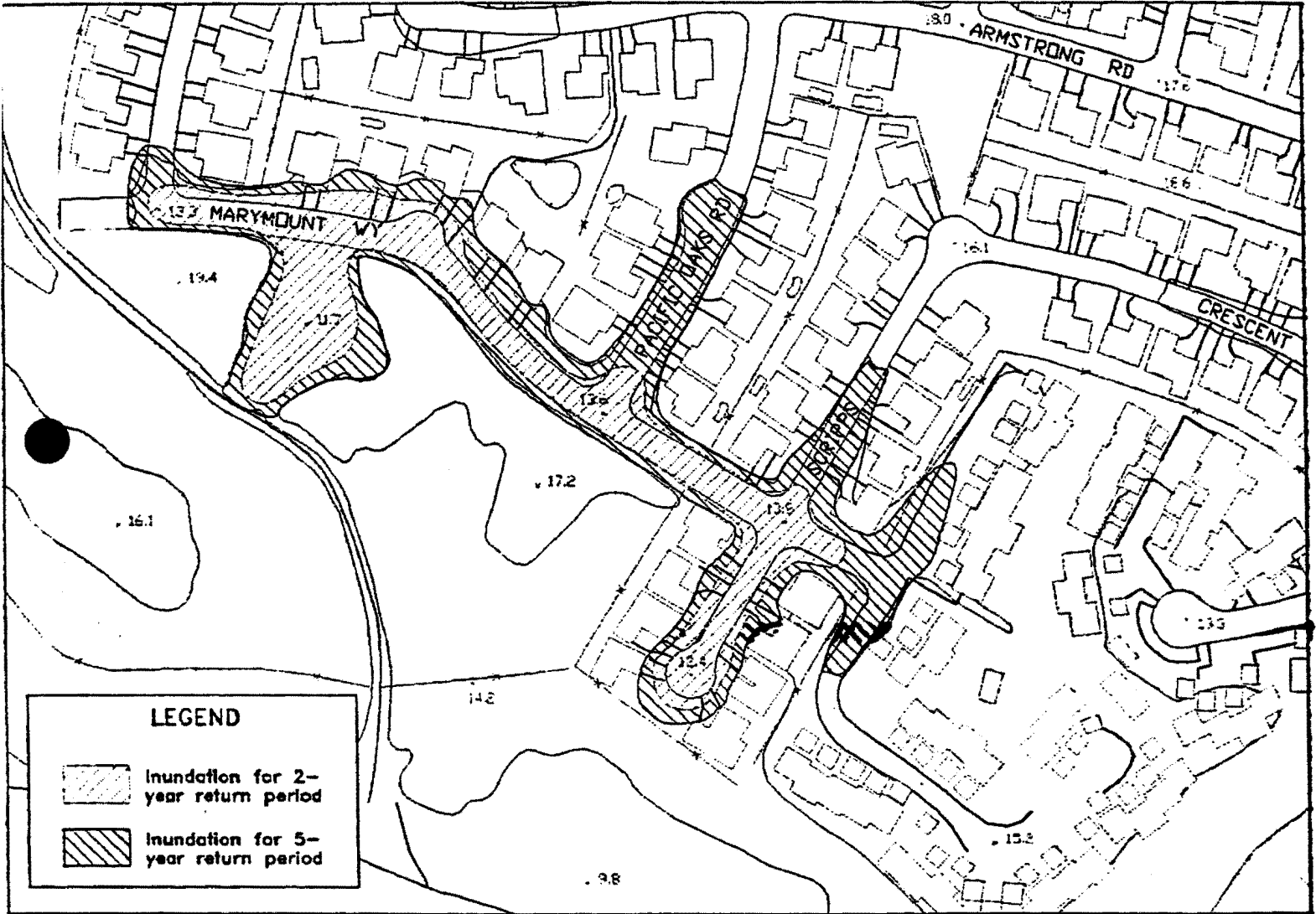


FIGURE 5

EXHIBIT 5
4-02-176
University Village Subdivision Flood Hazard

